

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DELILAH CUMMINGS,

Defendant.

**Affirmation in Support of
Application for Order of Continuance**

22 Mag. 9611

State of New York)
County of New York) ss.:
Southern District of New York)

Rebecca T. Dell, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated November 29, 2022 with a violation of Title 18, United States Code, Sections 1343 and 2. The defendant was arrested on November 30, 2022, and was presented before Magistrate Judge Stewart D. Aaron on November 30, 2022. The defendant was represented by Richard Palma, Esq. and ordered to be released on bail subject to certain conditions.

3. On November 30, 2022, defense counsel consented to a waiver of his client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 21 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government

initially had until December 30, 2022 to file an indictment or information. On December 30, 2022, Magistrate Judge Katharine H. Parker entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until January 30, 2023. On January 30, 2023, Magistrate Judge Jennifer E. Willis entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until March 1, 2023.

4. Defense counsel and Assistant United States Attorneys Kedar Bhatia, Derek Wikstrom, and I have had discussions regarding a possible disposition of this case. The discussions have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on March 1, 2023.

5. Therefore, the Government is requesting a 30-day continuance until March 31, 2023, to continue the foregoing discussions and reach a disposition of this matter. Defense counsel consented to this request on February 14, 2023. This application has been authorized by Assistant United States Attorney Andrew Dember, Deputy Chief of the Criminal Division.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and the defendant in a speedy trial.

Dated: New York, New York
February 27, 2023



Rebecca T. Dell
Assistant United States Attorney
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